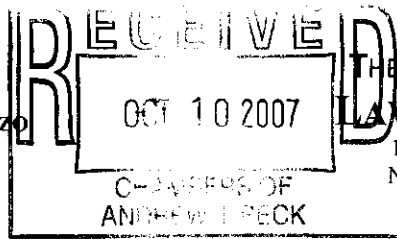


MICHAEL A. CARDOZO
Corporation Counsel



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

TONI GANTZ
phone: (212) 788-0908
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October 9, 2007

BY HAND

Hon. Andrew J. Peck
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1370
New York, New York 10007

MEMO ENDORSED *12*

Re: Brewster v. Horn, 07 Civ. 3762 (RMB) (AJP)

Dear Judge Peck:

I am the Assistant Corporation Counsel recently assigned to represent New York City Department of Correction ("DOC") Commissioner Martin Horn in the above-referenced matter, in which *pro se* plaintiff Darrell Brewster seeks damages based on his alleged exposure to asbestos while incarcerated in a DOC facility.

I write to request that defendant's time to respond to the complaint be extended to November 30, 2007. The original date to respond was September 24, 2007. I respectfully ask that the Court excuse the lateness of this request, as I only recently received the complaint, and because plaintiff will not be prejudiced. This is the first such request defendant has made, and I have been unable to contact plaintiff to obtain his consent as he is currently incarcerated. The additional time is necessary to allow me to fully investigate plaintiff's allegations, research the applicable law, and prepare an appropriate response.

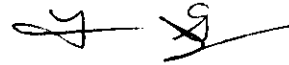
In addition, and as is more fully set forth in a letter dated October 4, 2007 from this office to Judges Karas, Sullivan, and Berman (a copy of which is enclosed), plaintiff's case is one of three (and possibly more) related cases that our office has requested to be stayed for a period of sixty to ninety days in order to determine whether consolidation is appropriate and if so, which judge might properly be assigned the group of cases.

Finally, based on a preliminary review of plaintiff's complaint, it is likely that defendant will seek to file a dispositive motion in lieu of, or shortly after, filing an answer.

For all of these reasons, I respectfully request an enlargement of time until November 30, 2007 to submit a response.

Thank you for your consideration of this request.

Respectfully submitted,



Toni Gantz
Assistant Corporation Counsel

Encl.

cc: Darrell Brewster (by mail)

MEMO ENDORSED 10/10/07

Letter from Gantz dated 10/10/07, must
provide a report on all work done
and/or be on record.

SO ORDERED:


Hon. Andrew Jay Peck
United States Magistrate Judge

BY FAX

any for: [illegible]
[illegible]
[illegible]
[illegible]

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: October 10, 2007

Total Number of Pages: 3

TO	FAX NUMBER
Toni Gantz, Esq.	212-788-0940
Karen S. Drotzer, Esq.	212-809-7713

TRANSCRIPTION:

MEMO ENDORSED 10/10/07

Extension granted only to 10/30/07, without prejudice to requesting an additional extension when (if) the cases are consolidated.

Copies to: Darrell Brewster (Mail)
Magistrate Judge Frank Maas
Judge Richard M. Berman
Judge Richard J. Sullivan